刑事聲請再審狀(因重要證據漏未審酌)
Criminal Motion for Retrial
(Lacking consideration of material evidence)

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承辦股別：

Section:

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案號： 年度 字第 號 案

Case No.: year zhi No. in the matter of

聲請人（即被告、告訴人、代理人）：

Proposer (Defendant, Complainant, Agent):

年籍：

Date of Birth:

國民身分證統一編號/護照號碼/居留證號

National ID No./Passport No./Alien Resident Certificate No.

住址：

Address:

電話： 電子郵件：

Tel.: E-mail:

送達代收人：

Agent for the Service of Process:

送達處所：

Place for the Service of Process:

因重要證據漏未審酌，聲請再審事：

Due to the lack of consideration of material evidence, this motion requests for a retrial:

一、 按不得上訴於第三審法院之案件，經第二審確定之有罪判決，如就足生影響於判決之重要證據漏未審酌者，依刑事訴訟法第421條之規定，得為受判決人之利益聲請再審。

1. Once a guilty judgment in the second instance is final, if the court failed to consider any material evidence which may affect the judgment, a motion for retrial may be filed against cases which may not appeal with the court of third instance for the interest of the party subject to the judgment pursuant to Article 421 of the Code of Criminal Procedure.

二、聲請人因＿＿＿＿＿案件，經臺灣高等法院＿＿分院＿＿年度＿＿字第＿＿號判決確定，該確定判決認定聲請人犯罪，是根據（請寫明原判決所憑之證據），但是＿＿＿＿＿＿＿＿＿＿等情（請寫明原判決所漏未審酌之證據及其所能證明之事實），足生影響於原判決。

2. The Proposer has received the final judgment of the Taiwan High Court ＿＿＿＿＿＿ Branch ＿＿＿ year zhi No.＿＿＿＿＿＿ in the matter of＿＿＿＿. The final judgment has determined that the Proposer is guilty of the crime based on ＿＿＿＿＿＿＿＿ (please specify the evidence supporting the original judgment). However, (please specify the evidence which was not considered under the original judgment and the facts to be proven). Such evidence may affect the decision in the original judgment.

三、原判決對前揭重要證據漏未審酌，聲請人為此依法聲請再審，請貴署明察，准予聲請再審。

3. The original judgment failed to consider the foregoing material evidence. The Proposer hereby requests for the retrial according to the law. Please grant the motion for the retrial.

　　謹　狀

臺灣高等檢察署臺中檢察分署
　　TO
Taichung Branch ,Taiwan High Prosecutors Office

聲請人：　　　　簽名蓋章
Proposer:　　　Signature/Stamp

中 華 民 國　　　年　　　月　　　日
Date:　(mm)/　　(dd),　　(yyyy)